



APPLICANT:

John P. Volpi, et al.

DOCKET NO.:

28947.5

SERIAL NUMBER:

10/090,249

FILING DATE:

March 4, 2002

ENTITLED:

Wireless Optical System for High Bandwidth Communications

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 C.F.R. § 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am:

☐  
☒

the owner of the small business concern identified below:

an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN:

IncuComm, Inc.

ADDRESS OF CONCERN:

2099 North Collins Road, Suite 200  
Richardson, TX 75080

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 C.F.R. § 121.3-18, and reproduced in 37 C.F.R. § 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled Wireless Optical System for High Bandwidth Communications described in:

☐ the specification filed herewith.  
☒ Application Number 10/090,249

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 C.F.R. § 1.9(d) or by any concern which would not qualify as a small business concern under 37 C.F.R. § 1.9(d) or a nonprofit organization under 37 C.F.R. § 1.9(e). \*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention, averring to their status as small entities. (37 C.F.R. § 1.27)

FULL NAME: ---ADDRESS: ---☐ INDIVIDUAL  
☐ SMALL BUSINESS CONCERN  
☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. § 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING:

TITLE OF PERSON IF OTHER THAN OWNER:

ADDRESS OF PERSON SIGNING:

JOHN P. VOLPI  
V.P. - CTO  
2099 North Collins Road, Suite 200  
Richardson, TX 75080

SIGNATURE:

DATE:

7/31/06



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:  
Volpi et al.

Serial No.: 10/090,249

Filed: 03/04/2002

For: Wireless Optical System for High  
Bandwidth Communications

§ Attorney Docket: 28947.5  
§  
§ Confirmation Number: 6523  
§  
§ Art Unit: 2613  
§  
§ Examiner: Tran, Dzung D.  
§  
§ Notice of Allowance: 06/12/2006

MAIL STOP ISSUE FEE  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL

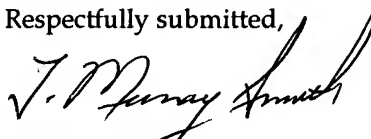
Dear Sir:

In response to the Notice of Allowance and Issue Fee Due mailed on June 12, 2006, enclosed are the following:

1. Part B - Issue Fee Transmittal (1 page, in duplicate);
2. Check in the amount of \$1000.00;
3. Verified Statement Claiming Small Entity Status (1 page);
4. Supplemental Declaration (3 pages); and
5. Return postcard.

The Commissioner is hereby authorized to charge Deposit Account No. 08-1394 for any deficiencies in the enclosed fees. This sheet submitted in duplicate.

Respectfully submitted,

  
T. Murray Smith  
Registration No. 30,222

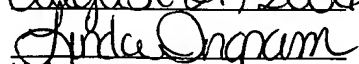
Date: 21 AUGUST 2006

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Facsimile: 214-200-0853

R143861.1

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents  
PO Box 1450, Alexandria, VA 22313-1450

on

August 21, 2006  
  
Linda Ingram